

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL NO.: 3:19-CV-713

FILED

OCT 30 2020

UNITED STATES OF AMERICA

v.

APPROXIMATELY \$99,803.00 IN  
UNITED STATES CURRENCY SEIZED  
PURSUANT TO A SEARCH WARRANT  
AT 808 BENMORE CIRCLE, WAXHAW,  
NORTH CAROLINA ON JUNE 20, 2019;  
and

APPROXIMATELY \$9,688.00  
IN UNITED STATES CURRENCY  
SEIZED FROM PHETSARATH  
VILAISANE ON JULY 25, 2019

US DISTRICT COURT  
WESTERN DISTRICT OF NC

**CONSENT ORDER FOR  
THIRD-PARTY CLAIMS**

**THIS MATTER** is before the Court by consent of the United States of America, by and through R. Andrew Murray, United States Attorney for the Western District of North Carolina, and Claimant Gam To, pursuant to 18 U.S.C. § 983(d) and Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. The Government and Claimant have agreed to this Consent Order for Third-Party Claims as a final adjudication and settlement of all matters in regard to the above-captioned property identified for forfeiture in this case (hereafter, “the Property”).

The parties have **STIPULATED AND AGREED** and the **COURT FINDS AS FOLLOWS:**

1. The Government has alleged in the Complaint for Forfeiture *In Rem* (Doc. 1) that the Property, consisting of two separate sums of approximately \$99,803.00 and \$9,688.00 in seized currency (totaling \$109,471), is the proceeds of drug trafficking and/or was used or intended to be used to facilitate drug trafficking. Claimant contests the forfeiture and assert a claim to the Property. (Docs. 6 and 12). Following discussions regarding the case, the Parties believe that full settlement of this action will be in their respective best interests, and will likely allow them to avoid further litigation time and expense.

2. Claimant agrees to the forfeiture of the \$54,745.50, and the Government respectively agrees to turn over \$54,745.50 to Claimant, through her counsel, upon issuance of a final order or default judgment in this case.

3. By entering into this Consent Order, Claimant agrees to, upon receipt of the \$54,745.50, release and forever discharge her interest in all remaining Property in this case. The payment to Claimant shall be in full settlement and satisfaction of all claims by Claimant in this action and all claims resulting from the incidents or circumstances giving rise to this action. Claimant agrees not to pursue against the United States any rights that she may have to the Property in this case except as otherwise specified herein.

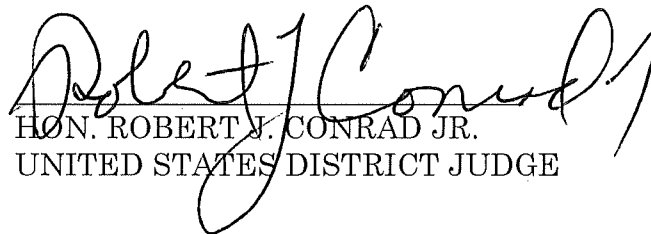
7. The Government and Claimant waive any rights to further litigate between each other in this forfeiture action, and agree that they shall each bear their own costs and attorney's fees with regard to this action.

8. Unless specifically directed by an order of the Court, Claimant shall be excused and relieved from further participation in this action.

**IT IS THEREFORE ORDERED THAT:**

Based upon the stipulations of the parties herein, Claimant Gam To's claim is granted to recognize that Claimant has an interest in \$54,745.50 of the Property. It is therefore ordered that, upon issuance of a final order or default judgment in this case, the United States is directed to pay \$54,745.50 to Claimant. Further, pursuant to the stipulations herein, Claimant's claims to any amounts above and beyond the \$54,745.50 are hereby stricken. Each party shall bear its own costs and fees, including attorney's fees.

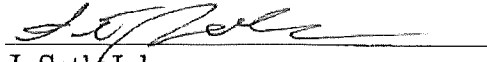
Signed this 27 day of October, 2020.

  
HON. ROBERT J. CONRAD JR.  
UNITED STATES DISTRICT JUDGE

ON MOTION OF AND BY CONSENT OF THE PARTIES:

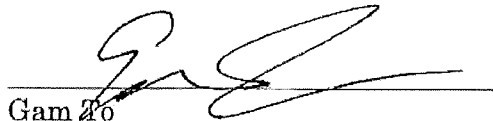
*Plaintiff*

R. ANDREW MURRAY  
UNITED STATES ATTORNEY

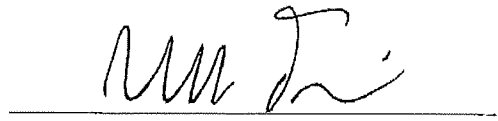
  
J. Seth Johnson  
Assistant United States Attorney

Dated: 10/27/20

*Claimant*

  
Gam To  
Claimant

Dated: 10/27/20

  
Noell Tin, Esq.  
Attorney for Claimant Gam To

Dated: 10/27/20